IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 14357 of 2001

Between:

1.Smt. Jaladi Vimala W/o. Ramakoteswara Rao
R/o. 12-12-157/A, Prameelanagar,
Seethaphalmandi, Secunderabad.
2.Smt.I.Seetha Ravamma W/o. Srinivasa Rao
R/o. 12-12-157/A, Prameelanagar,
Seethaphalmandi, Secunderabad.
3.Smt. Jaladi Usha W/o.Ravindranath
R/o. 12-12-157/A, Prameelanagar,
Seethaphalmandi, Secunderabad.
4.Kum. Inampudi Kavitha D/o.Srinivasa Rao
R/o. 12-12-157/A, Prameelanagar,
Seethaphalmandi, Secunderabad.
5.Sri Inampudi Srinivasa Rao S/o. late Subbaiah
R/o. 12-12-157/A, Prameelanagar,
Seethaphalmandi, Secunderabad.

..... PETITIONERS

AND

1 The Circle Inspector of Police, Saroornagar Police Station,
Ranga Reddy District.
2 Mr.Ashok Reddy Circle Inspector of Police,
Saroornagar Police Station, Ranga Reddy District.
3 The Station House Officer,
Saroornagar Police Station, Ranga Reddy District.
4 Sri Y.Mohan Reddy S/o. Linga Reddy
R/o. 23-80/2, Krishnaveninagar, Gaddiannaram,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a Writ of Mandamus, directing the respondents not to interfere with the civil activities pending between the Petitioners 1 to 4 and the respondent No.4 declaring their action as illegal and ultra vires to the Provisions of Article 14 of the Constitution of India and pass

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent No.4: --

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14357 OF 2001

ORDER:

The petitioners claim to be owners and possessors of land in Survey No.132/2 (part) of Netajinagar, Gaddiannaram village, Saroornagar. They also claim that they purchased the same under registered sale deeds on 28.11.1998 when the fourth respondent herein tried to interfere with the property they resisted the same and filed the complaint with the third respondent on 21.06.2001. They allege that the third respondent did not take any action but he is trying to interfere in the mater. Therefore, they seek a direction to the Police not to interfere in the civil dispute.

Counter affidavit is not filed by respondents 1 to 3. It is now well settled that in a dispute of civil nature, Police have no power either to register the crime or to investigate the matter. This Court in **S.Masthan Saheb v P.S.R. Anjaneyulu**, after

referring to the entire case law on the subject held as under:

> The various provisions to which a brief reference is made would show that the power of the police to collect intelligence regarding any design to commit cognizable offences and prevent commission of cognizable offences is considered to be the inherent power of the police organization. Whether or not there is a special enactment, the police are expected to perform its functions; namely, maintenance of peace and public order and prevention of cognizable offences. When all these statutes dealing with police in Andhra Pradesh deal with duty of the police relating to cognizable offences, a Police Officer would not be justified in saying that he/she is looking into a complaint made by a person which has, *ex facie*, trappings of the civil dispute. Indeed, under sub-section (1) of Section 154 of Cr.P.C, it shall be within the power and duty of the Police Officer to register only a cognizable offence. Though under Section 155 of Cr.P.C. a Police Officer can make an entry in the appropriate register about the information as to non-cognizable offence, such Police Officer shall not investigate a non-cognizable offence without the order of the Magistrate. As a necessary corollary, it must be concluded that any effort on the part of the police "to look into' any complaint by any person which does not contain allegations of commission of cognizable offences would not only violate the various provisions of the Andhra Act, as in this case, but also would violate Section 155 (2) of the Cr.P.C. Any such action would be *ex facie* illegal, whatever be the *ipsi dixit* of the police. There is no presumption in law that every rift in human relations would lead to a civil dispute and civil dispute would likely to result in clashes, resulting in offences against human body. Any such effort on the part of the police to look into the complaints regarding civil disputes is not even the part of the Code of Conduct of the Police, which was communicated by the Government of India in 1987…

Following the same, the writ petition is disposed of, observing that unless and until the petitioner is involved in a cognizable offence, the police shall not interfere with the liberty of the petitioner.

The writ petition is, accordingly, disposed of.

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(V.V.S.RAO,J)

22.06.2005.

pln

To

1 The Circle Inspector of Police, Saroornagar Police Station,
Ranga Reddy District.
2 The Station House Officer,
Saroornagar Police Station, Ranga Reddy District.

3 Two CCs to Government Pleader for Home, High Court Buildings,

Hyderabad (OUT).

4 2CD copies.